

RECEIVED

JUN 17 2005

OFFICE OF PETITIONS

Practitioner's Docket No. 34746

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 10/784,686
 Filed: February 23, 2004
 For: Measurement of
 Air Characteristics in the
 Lower Atmosphere

Group No.: 3662

Examiner: Lobo, Ian J.

Date of mailing "Notice of Allowance and
 Base Issue Fee Due" 11/04/2004

Batch No. _____

Mail Stop 313(c)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID
 (37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
 (When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being: **HAND DELIVERED** to the
Office of Petitions

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
 Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

06/24/2005 KHELLEY 00000002 000000 00704000

02 000000 130.00 25

Date: _____

Signature _____

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG, May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

PATENT ISSUE FEE

2. The issue fee for this case has been paid on February 4, 2005

(complete the following if known)

This application is scheduled to

- ☐ issue on no date
☐ as patent not yet assigned

REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.
(b) ☐ consideration of a request for continued examination under § 1.114.
(c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.
(d) ☒ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached _____ sheet(s).

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 2 of 4)

AMENDMENT

NOTE: Any amendment accompanying a petition to withdraw an application from issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment and Request for Continued Examination pursuant to Rule 1.114

PETITION FEES**5. PETITION FEES (37 C.F.R. § 1.17(h) (\$130.00))**

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$130.00
☒ Authorization is hereby made to charge the amount of \$130.00
☒ to Deposit Account No. 19-0522
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 32,761

Tel. No.: (816) 474-9050

Customer No.: 23589


SIGNATURE OF PRACTITIONER

Thomas H. Van Hoozer

(type or print name of practitioner)

Suite 400, 2405 Grand Boulevard

P.O. Address

Kansas City, MO 64108

Plus 1 Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 3 of 4)

PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID
(37 C.F.R. § 1.313(b))

ADDED PAGE FOR REASON(S)

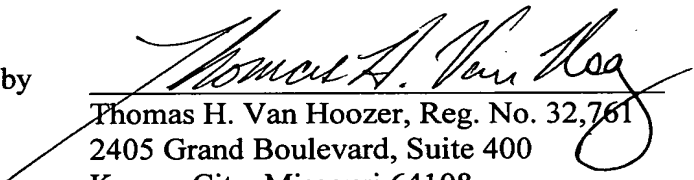
Applicant respectfully requests and petitions that this case be withdrawn from issue after payment of the issue fee in order to submit certain corrections to the specification by way of a continuation-in-part application which has been filed on June 15, 2005. In the course of reviewing the specification before this application issues as a patent, applicant has identified correction of matters in the written disclosure of pages 17, 18 and 20, and in Figs. 5A, 5B and 5C.

Thus, withdrawal of the application from issue and abandonment of this application pursuant to 37.C.F.R. § 1.313. (c) (3) is respectfully requested.

Respectfully submitted,

HOVEY WILLIAMS LLP

by


Thomas H. Van Hoozer, Reg. No. 32,761
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT

(Docket No.34746)

(use additional pages, if necessary)

Added Page 1

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b))—Added Page [9-33])

RECEIVED

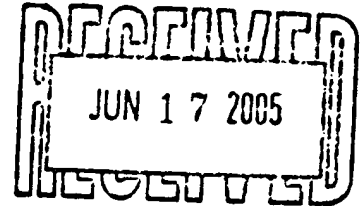
JUN 17 2005

OFFICE OF PETITIONS

June 16, 2005

T.K. & Associates
2001 Jefferson David Highway, Suite 300
Arlington, VA 22202

6058-H



TK ASSOCIATES INC.

Re: U.S. Patent Application Serial No. 10/784,686; filed 02/23/2004;
MEASUREMENT OF AIR CHARACTERISTICS IN THE LOWER
ATMOSPHERE; Inv.: Andrew Louis MARTIN; Our Docket No. 34746

Dear Sirs:

Transmitted herewith please find a Transmittal, Express Abandonment of Application and a Petition for Withdrawal From Issue - Issue Fee Paid in connection with the above-referenced application. Also find enclosed herewith a return postcard to be hand-carried to the Office of Petitions and stamped to indicated receipt of these items. The application has not yet been scheduled for issue according to our last check of the Private PAIR database.

A Continuation-In-Part application has been submitted on June 15, 2005, and thus the above referenced application is being abandoned and withdrawn from issue in favor of the CIP application filed yesterday.

Please call us immediately with any questions. In the event that you are unable to reach